

Memo



Health
Northern NSW
Local Health District

TO Boza Majstorovic-Adamic, Domestic Services Manager, TTH
Kimi Kahika, Acting Security Manager, TTH
Nursing Unit Manager, Operating Theatres TTH

COPY Michael Kearns, Health Services Union (HSU)

FROM Adam Reid – Acting TTH General Manager

DATE 16 July 2021

SUBJECT Review of Overtime Meal Allowances and Paid Breaks

The purpose of this memo is to advise that a review of The Tweed Hospital Domestic Services Staff, Security Staff and Operations Assistants rosters related to the payment of Overtime Meal Allowances and Paid Breaks has been completed.

This review was completed to determine whether Overtime Meal Allowances and/or paid breaks in overtime for relevant staff employed at The Tweed Hospital were being entered correctly in HealthRoster. The period of the claim relates to 14 September 2015 (commencement of HealthRoster) to 7 March 2021.

The Health Employees' (State) Award relevantly provides the following:

14. Meals

(i) Time not exceeding one hour and not less than thirty minutes shall be allowed for each meal, provided that where an employee is called upon to work for any portion of the meal break, such time shall count as ordinary working time.

(ii) An employee required to work overtime following on the completion of his or her normal shift for more than two hours shall be allowed 20 minutes for the partaking of a meal and a further 20 minutes after each subsequent four hours overtime; all such time shall be counted as time worked.

(iii) An employee recalled to work overtime after leaving the employer's premises and who is required to work for more than four hours shall be allowed 20 minutes for the partaking of a meal and a further 20 minutes after each subsequent four hours overtime; all such time shall be counted as time worked.

(iv) The meals referred to in sub-clauses (ii) and (iii) of this clause shall be allowed to the employee free of charge. Where the employer is unable to provide such meals an allowance as set out in Item 44 of Table 1 of Part B shall be paid to the employee concerned. This allowance shall be varied as the rates are varied from time to time in the Crown Employees (Public Service Conditions of Employment) Award 2009, as varied or replaced from time to time.

(v) Where an employee is required to work an overtime shift on his or her rostered day off, or

on a shift changed in accordance with Clause 4, Roster of Hours, the appropriate meal breaks for that shift, as prescribed in subclause (i) of this clause and subclauses (xii) and (xiii) of Clause 3, Hours, shall apply.

(vi) Where practicable, employees shall not be required to work more than four (4) hours without a meal break. By agreement between an employer and the majority of employees in the department, an employee or employees may be required to work in excess of four (4) hours but not more than five (5) hours at ordinary rates of pay without a meal break.

Following consultation with the Health Services Union (HSU), agreement has been reached to make retrospective adjustments to existing Domestic Services, Security and Operating Theatre employees where an underpayment has occurred for the abovementioned period. Please be advised that a further agreement has been reached to waive any overpayments to employees identified as part of this review.

Workforce Systems will progressively apply the changes over the coming pay periods. Considering the volume of transactions, this may take some months. It would be appreciated if you can advise your team/s of this agreement.

If you have any questions, please contact Ms Katrina Van Blanken, Human Resources Advisor on (07) 5506 7485.

Kind Regards,

A handwritten signature in black ink, appearing to read 'A Reid', with the date '21/7/20' written below it.

Adam Reid
Acting General Manager
The Tweed Hospital